

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
MARCH 16, 2004
7:00 P.M.**

1. The meeting was called to order at 7:08 p.m. Declaration of a quorum present was given. The Flag salute was lead by Fire Chief Rob Carter and the Invocation was given by Michael Anderson, Warr Acres Police Chaplin.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Councilman Walter Johnson
Councilman Jimmy Alexander
Councilman Mike Gossman
Councilman Bob Wehba
Councilman Barry Curl
Councilman Tom Smith

ABSENT

Vice-Mayor Justin Frisbie
Councilman Greg Hayes

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Scott Barrett, City Engineer
Wiley Rice, City Planner
Mike Turman, City Inspector
Bob Jernigan, City Attorney

2. Questions and Comments from Warr Acres Residents.

None.

3. **CONSENT DOCKET:** (individual items may be deleted from the consent docket for discussion and action under #4.

A.	Approval of Expenditures – General Fund	\$ 29,186.57
	Street & Alley	\$ 4,756.18

- B. Approval to waive city's right to appeal BOA's Case 04-01 on property located at 5811 NW 63rd St. Nature of appeal (19.44.010B) Use of Public Right of Way; (19.44.030) Construction Standards; and (19.44.050) Off Street Loading/Unloading for Industrial, Commercial, and Institutional Buildings. Presently zoned C-3 Neighborhood Shopping District, John Fourteen Co II, Owner/Applicant. (Heard before the BOA on March 11, 2004)
- C. Approval to waive city's right to appeal BOA's Case 04-02 on property located at 4506 N Grove. Nature of appeal requesting (19.20.020F2) Maximum size. Presently zoned R-1 Single Family Residential District, Linda Pitts, Applicant for Lucille Gable, Owner. (Heard before the BOA on March 11, 2004)

Motion by Curl, second by Smith to waive the reading of the consent docket. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, nay; Curl, yea; Smith, yea; and Tardibono, yea.

Motion Passed.

Motion by Curl, second by Smith to approve the consent docket. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; and Tardibono, yea.

Motion Passed.

- 4. Discussion and possible action on items removed from the consent docket.

Moot.

- 5. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Patty-told everyone that 50th by Ann Arbor had been narrowed to two lanes and the speed limit was also lowered to 25mph while they are working on the road in that area.

Attorney Jernigan-said that Chief Patty was having a difficult time in enforcing the Clear the Road law and had asked if an Ordinance could be drafted for the councils approval setting fines. Mr. Jernigan stated that if it was the will of the council he would draft it for the next meeting.

Chief Carter-again challenged the council, staff and residents to give blood this week during the competition between Bethany and Warr Acres. He told them that two personnel have already attended the training in Alabama and are back and two more are there now. Councilman Wehba asked if members of the Police

Department could go to the school. Chief Carter stated that the school was for Police and Fire. Councilman Wehba stated that he never again wanted to be unprepared for disaster.

Attorney Jernigan-told the council that Mr. Cunningham had sued the city along with Former Mayor Chris Wood and Mayor Tardibono. He told them that he had not yet gotten a copy of the petition and had tried to request one from Cunningham's Attorney but was unable to do so.

6. Discussion and possible action on approving additional funds to Cinnabar for the services provided for the acquisition of right of ways on MacArthur.

Scott Barrett said that Cinnabar had confirmed there were 5 parcels and the new quote is in the amount of \$13,750.00 and it reads not to exceed this amount. Councilman Johnson asked if in the future documents could be given to the council prior to the meeting. Scott Barrett stated that he would make sure they were.

Motion by Curl, second by Smith to approve the additional funds. Poll vote: Alexander, nay; Johnson, nay; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; and Tardibono, yea.

Motion Passed.

7. Discussion and possible action on bid specs for the purchase of a new television and camera system and also for a new sound system for the Council Chambers.
Smith

Councilman Smith stated that he had turned this over to Councilmen Alexander and Wehba for a second quote. He said that the audio quote looked good. He also stated that he would like to see if Audio Associates could meet what Ford Audio proposed. Councilman Wehba said that they were trying to save money. Councilman Johnson asked if this information could be obtained and ready for the next meeting.

Motion by Smith, second by Alexander to continue this item to the April 6, 2004 meeting. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Discussion and possible action on where the money for the MacArthur Project will come from and what affect it will have on the city's finances. *Alexander*

Councilman Alexander asked how much it was going to cost for the McCune case because at the last meeting the council was given figures for expenses and it was

not included in that figure so the estimated \$200,000 left after MacArthur is paid is now down buy the amount of the McCune settlement. Attorney Jernigan told the council that the total was around \$100,000. That makes the money even tighter. Councilman Smith stated that the city could cash-in cd's. The Mayor said that the council needed to look at the budget at the first of April and then they would know better how the city stands. A budget workshop was set for April 8th at 7:00 p.m. Councilman Alexander said that once the city commits to the project it better have the money in hand.

NO ACTION TAKEN.

9. Discussion and possible action on Ann Arbor Project to discuss sidewalks.
Wehba

Councilman Wehba stated that ODOT had taken it upon themselves to decide to not install sidewalks south of 42nd Street and did not ask the city of approval of a change order. Scott Barrett stated that there is really only one area that ODOT has a case for not installing a sidewalk and that is on the east side the first four houses north of Taco Bell because of the slope of the property. The Council directed Mr. Barrett to work with ODOT and stated that they wanted the sidewalks installed and out of courtesy someone should go and talk to the people in those four houses concerning the sidewalk.

NO ACTION TAKEN.

10. Discussion and possible action on sending proposed Title 19 changes tot he Planning Commission for a Public Hearing and recommendation concerning the size requirements for accessory buildings. *Gossman* ****

Councilman Gossman stated that a lot of cases for the BOA could be avoided if the size of accessory buildings was changed.

Motion by Gossman, second by Wehba to sent proposed changes to the Planning Commission for Public Hearing and recommendation. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; and Tardibono, yea.

Motion Passed.

11. Discussion and possible action on expenditures in conjunction with the paving of 43rd Street.

Scott Barrett and Bob Jernigan stated that they had come up with a cost of around \$26,000 for the paving of 43rd Street for materials and the city staff will do the work. Mr. Jernigan stated that some of the property owners have agreed to pay their share of the street. Councilman Johnson stated that they would be putting in

half of a street and questioned the cost. He also stated that when they began pouring concrete they should get some extra help. Scott Barrett stated that Johnny would need to also recheck the cost of the concrete. It was also suggested that they make matching curbs (roll curbs) so that it would not have to be cut when the new houses were built and driveways poured.

Motion by Gossman, second by Wehba to approve the expenditure from the Street and Alley Fund in the amount of \$26,000 with a contingency of 10% and to go ahead with the project. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, nay; Smith, yea; and Tardibono, yea.

Motion Passed.

12. Questions and comments from Council members.

Councilman Johnson-stated that in the future he would like to go back to one meeting a month. Mayor Tardibono stated that they had gone to two meetings a month in an effort to Planning Commission applicants process through the system faster.

Councilman Wehba-thanked and praised Johnny Dickson and Brad Seale and their crews for the work they did at 34th and Hammond on the drainage problem.

Mayor Tardibono-made an announcement about the up coming Easter Egg Hunt on Saturday, April 3, 2004 for children 12 and under at Cherokee Hills Park. She read a letter from James Weaver, thanking Darryl Goodman and Officer Beth Green for their assistance when called the Police department about a child riding a motorcycle in a dangerous manner.

Councilman Curl-stated that he agreed with Councilman Wehba that the city should be prepared for future storms and that the city needed to purchase generators.

Councilman Smith-said that he had found the security software the city needed and that the city needed to get a site license. He also stated that the problems at Savannah Pointe Apartments were getting worse after 6 p.m. and asked if the Police department had increased patrols. Chief Patty stated that he has met with apartment management and security. Councilman Smith also stated the trash at Savannah Pointe was also very bad.

13. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

None.

A Mr. Anthony from 5925 Ione Drive asked if he could speak. The council said that they did not care and would allow him to speak while they waited for the results of the election. Mr. Anthony stated that he had received a letter from the YWCA about closing and stated that he was concerned about the building being left empty. Mayor Tardibono stated that all she could say was they were working on it.

The election results were brought in by Chief Patty. The Mayor read them starting with Ward I, Barry Curl 127, Max Maxey 85; Ward II, Nancy Olson 101, Henry Davis 43; Ward III, Walter Johnson 78, Leslie Owens 163; and Ward IV, Bob Wehba 70, Jason Eischen 50.

14. Adjournment.

Motion by Johnson, second by Gossman to adjourn. Poll vote: Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk